

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:10-CV-554-FL**

VICTOR KEFFER,)	
)	
Plaintiff,)	
)	
v.)	ORDER ON DEFENDANT'S
)	MOTION FOR COSTS
KROGER LIMITED PARTNERSHIP I,)	
doing business as KROGER,)	
)	
Defendant.)	

On December 20, 2011, the court granted summary judgment in favor of defendant Kroger Limited Partnership I, doing business as Kroger (“defendant”) [D.E. 25, 26]. Plaintiff Victor Keffer (“Keffer”) did not seek post-judgment relief. On December 29, 2011, defendant filed an application for costs as the prevailing party pursuant to Rule 54(d) of the Federal Rules of Civil Procedure [D.E. 27]. Defendant requests a total of One Thousand Six Hundred Nineteen Dollars and 20/100 (\$1,619.20) to be taxed against plaintiff. Plaintiff has not filed a response in opposition, and the matter is ripe for determination. See Local Civil Rule 54.1(b).

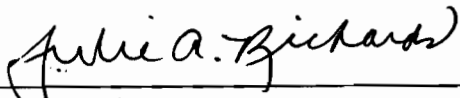
First, defendant seeks reimbursement in the amount of Three Hundred Fifty Dollars (\$350.00) for the filing fee associated with removing the action from state court to this court. Section 28 U.S.C. §1920(1) provides that the fees of the clerk are taxable. Therefore, defendant’s request for costs in the amount of Three Hundred Fifty Dollars (\$350.00) for the filing fee is allowed.

Defendant also seeks One Thousand Two Hundred Sixty Nine Dollars and 20/100 (\$1,269.20) in court reporter fees and deposition transcript costs. Under Section 28 U.S.C. §1920(2), court reporter fees may be recovered for all or any part of the stenographic transcripts necessarily

obtained for use in the case. See LaVay Corp. v. Dominion Fed. Sav. & Loan Assoc., 830 F.2d 522, 528 (4th Cir. 1987). In support of this request, defendant submitted invoices from Hall of Fame Reporting and Huseby Inc. Charlotte for the depositions of Victor Keffer, Tim Smothers, and Andrea Tyson. However, the postage/handling fees, exhibit fees, and condensed copy fees included in these invoices are not taxable costs under 28 U.S.C. § 1920 and are therefore denied. See also Local Civil Rule 54.1(c)(1)(a) and (2)(b). Therefore, defendant is awarded One Thousand Two Hundred Twenty Six Dollars and 10/100 (\$1,226.10) in court reporter fees and deposition transcript costs.

In summary, pursuant to 28 U.S.C. §1920, defendant Kroger Limited Partnership I, doing business as Kroger is awarded Three Hundred Fifty Dollars (\$350.00) for court costs and One Thousand Two Hundred Twenty Six Dollars and 10/100 (\$1,226.10) in court reporter fees and deposition transcript costs, for a total award of One Thousand Five Hundred Seventy Six Dollars and 10/100 (\$1,576.10) to be taxed as costs against plaintiff Victor Keffer. All other requests for costs not referenced in this summary are disallowed.

SO ORDERED. This 8th day of August, 2012.



Julie A. Richards
Clerk of Court